

RETURN

(118a)

REPRESENTATION

IN

THE HOUSE OF COMMONS OF CANADA.

MEMORANDUM on behalf of Nova Scotia, New Brunswick and Prince Edward Island, claiming the right to have their original representation restored.

GENERAL STATEMENT.

Nova Scotia and New Brunswick were two of the charter members of Confederation. Prince Edward Island joined the Union in 1873 under the provisions of section 146 of the British North America Act.

The following table shows the representation allowed these provinces from time to time, and the effect of applying the same principle to the last census:—

	Original Number.	After census of 1881.	After census of 1891.	After census of 1901.	After census of 1911.
Nova Scotia.....	19	21	20	18	16
New Brunswick.....	15	16	14	13	11
Prince Edward Island.....	6	6	5	4	3

The question of the legal right of New Brunswick and Prince Edward Island to retain their original representation was referred to the Supreme Court of Canada in 1903, and was decided against these provinces. On appeal to the Privy Council, the answer of the Supreme Court to the question submitted was held to be correct.

We must bow to this decision so far as the strict interpretation of the written contract is concerned, but this was not the expectation and belief of the delegates at the time of the negotiation of the terms of Union, for the Hon. George Brown in moving the resolution fixing the number of representatives which each colony should have in the House, stated: ‘The practical result will be that while Lower Canada certainly will not be less and the lower provinces may increase in population, they cannot decrease in the number of representatives. It keeps the House within a reasonable limit.’ And the Honourable A. T. Galt, in a speech delivered in Sherbrooke on November 23, 1864, shortly after the termination of the Quebec Conference, and reported in the *Montreal Gazette* of that time, declared: ‘The House would never have less than one hundred and ninety-four members.’

Representation by population while accepted as a guiding principle in fixing the representation of each province in the Dominion Parliament, was intended to be made subservient to the right of each colony to *adequate* representation in view of its surrender of a large measure of self-government. In consideration of surrendering its

independent colonial status, each colony was entitled to such a representation in the Federal Parliament as would be sufficient to guard that right.

A self-governing colony was something more than the number of its inhabitants.

The principle that population was not the sole consideration in fixing representation was recognized in the cases of Manitoba, British Columbia and Prince Edward Island when these provinces respectively entered the Union.

Manitoba with a population less than one unit of representation was given four, with a provision that after the census of 1881 its representation should be 'readjusted' under the terms of the British North America Act.

The census of 1881 showed a population of 62,260, which would have entitled it to three members, but it was 'readjusted' up to five.

British Columbia with a white population of less than 10,000, and a total population not exceeding 40,000 when it entered Confederation, in 1871, was given six members as an irreducible medium. In 1881 it had but two units of representation, and in 1891 four units.

Prince Edward Island obtained six members upon entering Confederation with but five units of population, passed the census of 1881 in the same condition but, not being safeguarded as was British Columbia, was reduced to a representation of five after the census of 1891.

It may be said that in each of these cases there was the expectation of such increase as would in time bring all the provinces upon the basis of representation allowed upon entering Confederation. Admitting such to be the case, it goes to show that the splendid optimists who made Confederation thought only of readjustment upwards and not downwards.

When the Maritime Provinces entered Confederation it was impossible for them to have foreseen the extent and effect of the development of western Canada. They never imagined that in the days to come the growth of the west would strip them of their influence in the councils of the nation. Though the times were not over prosperous they contributed their share to the cost of purchasing the lands from the Hudson Bay Company and equipping them for settlement; bore their part of the cost to Canada of the Canadian Pacific railway and all the other vast expenditures that went to link together the far-flung provinces of Canada, and to convert the wilderness into thriving communities out of which have developed the splendid prairie provinces of to-day.

But most of all, they gave their sons and daughters to the west. From Manitoba to the Pacific coast the Maritime provinces people form an important element of the population who have played no small part in the development of these new lands.

Theirs also is a potent influence in binding together the east and the west with bonds of sympathy 'light as air though strong as iron.'

All these contributions the Maritime provinces have cheerfully made in the interests of Canadian unity and progress, but they feel it a cruel exaction of the strict letter of the bond which will impose a lasting penalty upon them for the sacrifices they have made in such a cause.

Another ground upon which the Maritime provinces claim consideration in respect of their representation is that they had as good a right to share in the public demesne of Canada as had those provinces upon which it was bestowed. It is true that the Maritime provinces have claimed a share of the value of these lands, but that does not touch the question now under consideration. The territories added out of the public demesne will increase to a limit not now possible of calculation the representation of these provinces in the Federal Parliament.

The Maritime provinces, situate as they are, could not well obtain their share in actual territory, but it is surely just that they should not by reason of the aggrandizement of the provinces more favourably situate be compelled to accept a representation decreased not only relatively but absolutely in the Canadian Parliament.

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There is surely something wrong with a system of representation which penalizes some provinces for the sacrifices they have made in sending their children and their means to upbuild the other parts of the Dominion, and which would fail to make any special allowance in their representation in the Canadian Parliament in respect of their isolated position which prevents them from enlarging their bounds out of the public lands of Canada.

Prior to the Act of 1912 the representation of Quebec was fixed at 65, but now in the added territory additional representation will be given under the terms of the British North America Act. This may be few or many, but it introduces in that province the same principle now contended for.

This is the status of British Columbia as well, and it is submitted that each province in the Confederation might well be placed upon the basis of a fixed minimum of representation.

For the reasons above set forth, it is claimed that the representation of the Maritime provinces in the House of Commons should be restored to the number allowed upon entering Confederation upon terms that the same may not in future be subject to reduction below that number.

Dated at Ottawa, this 27th day of October, A.D. 1913.

